IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2700 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.R. Katikar, for the Petitioner

CORAM : S.A.BOBDE, J.
DATED : 17TH JUNE, 2005

P.C.

. The petitioner, the plaintiff in the trial Court, has challenged the order below Exh.24 rejecting his request for appointing T.I.L.R. as Commissioner. The trial Court has observed that T.I.L.R. has measured the property earlier. However, according to Mr. Katikar, learned Counsel for the Petitioner, the T.I.L.R. should again measure the property and this time he should point out the alleged encroachments on the suit land. The trial Court has observed, and in my view correctly, that as regards the encroachment the Plaintiff will have to prove the same by adducing evidence and it is not necessary to appoint a Commissioner for that purpose. There is no infirmity or error of law committed by the trial

Court in passing the impugned order. No merits in the petition. Petition rejected.

(S.A. BOBDE, J.)